



State Water Resources Control Board

October 10, 2023

CERTIFIED MAIL

Joel Mandel

CERTIFIED MAIL NO: 7020 2450 0001 1783 3469

DIVISION OF WATER RIGHTS INSPECTION OF MENDOCINO COUNTY APN 018-210-020-000

Joel Mandel:

On September 18, 2023, staff from the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), in coordination with state and local partner agencies conducted an inspection of the property referenced above (Property). The purpose of the inspection was to observe the diversion and use of water occurring on the Property and to evaluate potential impacts to the watershed.

You are being contacted because you were identified as the property owner of the Mendocino County APN identified. On the date of inspection, Division staff determined that the source of water used on the property for cannabis cultivation was groundwater. Division staff also observed surface water sources on the property.

This letter provides you notice of the following California Water Code (WC) requirements if you were to establish a surface water diversion for cannabis cultivation or for other water uses types like domestic use and fire protection:

1. If you divert water subject to the State Water Board's permitting authority without a valid basis of right on file with the State Water Board, your diversion may be an unauthorized diversion or use of water. An unauthorized diversion or use of water constitutes a trespass against the State, and the State Water Board may impose civil liability in an amount not to exceed \$500 for each day that the unauthorized diversion or use of water occurs. (WC § 1052, et seq.)
2. WC sections 5101 requires the following: *"Each, after December 31, 1965, diverts water shall file with board prior to July 1 of the succeeding year, a statement of his or her diversion and use..."*

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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If you begin to divert water from any stream, a Statement must be filed prior to July 1 of the succeeding year. The State Water Board may administratively impose a civil liability in the amount of \$1,000 for the failure to file a Statement for each point of diversion that has occurred since 2009, plus \$500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board calls the violation to the attention of that person pursuant to WC section 5107(c)(1).

3. If you intend to divert water from a stream on or adjacent to your property for cannabis cultivation, you must file for an appropriative water right, such as a Small Irrigation Use Registration (SIUR) or submit an application to appropriate water by permit if cannabis cultivation is locally permissive for your parcel location. You must also comply with other requirements in the State Water Board's Cannabis Cultivation Policy (Policy), Attachment A, Principle, Guidelines, and Requirements established pursuant to WC section 13149. Failure to file for an appropriative water right and comply with the requirements in the Policy for cannabis cultivation activities can be a violation of the State Water Board's Policy.

You may be civilly liable for violations of the Policy's, Attachment A, Principles, Guidelines, and Requirements, pursuant to WC section 1847(a). WC section 1847(a), provides that any person or entity committing a violation of the above referenced requirement may be liable in an amount not to exceed the sum of five hundred dollars (\$500), plus two hundred fifty dollars (\$250) for each additional day on which the violation continues if the person fails to correct the violation within 30 days after the board has called the violation to the attention of that person, plus two thousand five hundred dollars (\$2,500) for each acre-foot of water diverted or used in violation of the applicable requirement.

If you do not use surface water for cannabis cultivation, you must still comply with the Cannabis Cultivation Policy (Policy) requirements and obtain a Waiver of Waste Discharge Requirements (WDR) of Discharges of Waste Associated with Cannabis Cultivation Activities (Statewide General Order). **All commercial cannabis cultivators must obtain regulatory coverage under the Statewide General Order or obtain an Individual WDRs.** You can find more information on the State Water Board's Cannabis Cultivation Policy and Statewide General Order at the following website:

<https://www.waterboards.ca.gov/cannabis>

You can enroll in the Statewide General Order here:

<https://public2.waterboards.ca.gov/cgo>

If you have questions regarding enrollment in the Statewide General Order, please refer to the following weblink and contact the Regional Water Quality Control Board in your area:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html#rb_contacts

The State Water Board, Division of Water Rights, has continuing authority to investigate the diversion of water and use to protect public trust resources. This letter does not preclude further enforcement action by the State Water Board, if evidence is presented that supports a Water Code violation or impacts to public trust resources as a result of your diversion.

If you have questions concerning the Water Rights Inspection, please contact me by phone at (916) 323-5174, or by email at Pete.Hollingshead@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY:

Peter Hollingshead
Environmental Scientist
SWRCB Division of Water Rights
Cannabis Enforcement Unit

ec: **Division of Water Rights - Enforcement**

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